

### REMARKS

Claims 72-79 are pending in the application. By this paper, claim 72 has been amended. Reconsideration and allowance of the application is respectfully requested.

#### Pending claims

Applicants submit that claims 72-79 are pending. In the Office Action Summary (page 2) and "Detailed Action" (page 3), it is stated that claims 72-78 are pending. Clarification is requested.

#### Amendment to the Claims

Claim 72 has been amended to improve and clarify of the claim. The word "not" was added at the final line of claim 72 to make the claim read consistently with the specification, in particular the text at page 15, line 27 to page 16, line 9. No new matter is added by this amendment.

#### Prior art Rejection

Claim 72 stands rejected under 35 U.S.C. § 102(a) as being anticipated by US Patent no. 6,078,086 to Buck, et al. ("Buck"). Claims 73-76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Buck in view of Official Notice. Claims 77-79 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Buck in view of Official Notice and further in view of "Mobile Agents. Reconsideration off these rejections is respectfully requested.

The invention defined by claims 72-79 relates to a database searching apparatus which includes a search engine and database. The database stores search listings. Advertiser search listings include a search term and a cost per click (CPC). Moreover, advertiser search listings include **a desired rank** and **a maximum cost per click** maximum CPC. These are unique features. The advertisers can change components of their search listings.

Further, the database searching apparatus in accordance with claim 72 includes an account management server. The account management server implements a system in which advertisers appearing in the database can maintain their desired place within the rankings of search listings as presented to searchers as the competitive environment changes, with a much lower expenditure of human effort. The account management server can update automatically the advertiser's search listing according to the advertiser's specified **desired rank** and/or **maximum cost per click**. This system allows the advertisers to automatically manage their search listings and advertising expenditures related thereto. For the operator of a pay for placement web site, the system reduces or eliminates oscillations or other rapid variations that are detrimental to the average CPC and impact revenue and costs for the operator

Buck and the other cited references fail to disclose these unique features. Specifically, Buck fails to disclose search listings which include a desired rank or a maximum CPC, and Buck fails to disclose an account management server which is operative in the manner defined by claim 72 in response to a maximum CPC and desired rank.

Buck actually relates to a search system in which an advertiser pays for a subscription for a time period. The subscription fee, rather than a CPC, is used for sorting and displaying search results to a searcher. The advertiser may "adjust the subscription fee upward if maintenance of a desired position against competitors or a higher position is desired," col. 8, lines 3-7. However, there is no disclosure or suggestion of a desired rank or maximum CPC.

In one embodiment, Buck provides search results in index or category form, sorted in subscription fee order. Buck asserts that "In effect, this exemplary type of service allows a subscriber to [choose] the rank of their listing by selecting an appropriate initial fee followed by any necessary adjustments to maintain or increase its ranking. The transaction can be completed in a few minutes on line..., " col. 8, lines 23-27. However, the Buck process remains completely manual by the advertiser. Buck fails to include the innovation of a desired rank and maximum CPC as part of a search listing which can be used by the account management server to order search listings.

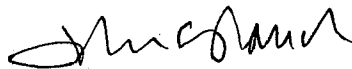
In a second embodiment, Buck discloses a credit point system behind denominated value searching. Credit points may be purchased or earned and are used for ranking search listings in a result list, and "the subscriber must use credit points to increase the listing's rank." Col. 8, lines 2-49. Again, there is no mention by Buck of a desired rank and maximum CPC as part of a search listing.

Still further Buck discloses linking the search database to other databases. A search query from another database can be satisfied by listings from the search database, ranked according to the subscription or denominated value. These rankings can be adjusted for the requesting search service. Col. 9, lines 16-27. Again, there is no mention by Buck of a desired rank and maximum CPC as part of a search listing.

Accordingly, Buck fails to show each and every limitation of claim 72. Therefore, the rejection under 35 U.S.C. § 102(a) may not be maintained. Each of claims 73-79 is dependent from claim 72 and adds further limitations thereto, and is submitted to be patentable for the same reasons. Moreover, the additionally cited prior art does not fill the gap between the claimed invention and Buck. Withdrawal of the rejections of claims 72-79 is respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



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